

AMENDED IN ASSEMBLY SEPTEMBER 4, 1997

AMENDED IN ASSEMBLY AUGUST 25, 1997

AMENDED IN ASSEMBLY JULY 18, 1997

AMENDED IN ASSEMBLY JULY 3, 1997

AMENDED IN SENATE JUNE 3, 1997

AMENDED IN SENATE APRIL 23, 1997

AMENDED IN SENATE MARCH 17, 1997

SENATE BILL

No. 227

Introduced by Senator Solis

January 30, 1997

An act to amend Sections 22509, 22801, and 22803 of, and to add Sections 22508.5 and 70905 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 227, as amended, Solis. Community colleges: officers and employees.

Existing law permits members of the Public Employees' Retirement System and the State Teachers' Retirement System who are subsequently employed in a position requiring membership in the other system to, upon an election made within 60 days in writing, remain in their initial retirement system.

This bill would permit certain State Teachers' Retirement System and Public Employees' Retirement System members subsequently employed by specified state agencies in positions that would require the individual to become a member of a different retirement system, to elect coverage in either system within 60 days, in writing. The bill would require the Public Employees' Retirement System to transfer assets to the State Teachers' Retirement System when a member elects to become a member of the State Teachers' Retirement System.

The bill would also permit the Board of Governors of the California Community Colleges and a community college district or publicly funded community college organization to enter into an agreement for the loan or assignment of an employee ~~to or~~ from the chancellor's office, in accordance with specified conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22508.5 is added to the
- 2 Education Code, to read:
- 3 22508.5. (a) Any person who is a member of the State
- 4 Teachers' Retirement System employed by a community
- 5 college district who subsequently is employed by the
- 6 Board of Governors of the California Community
- 7 Colleges to perform duties that require membership in a
- 8 different public retirement system, shall be excluded
- 9 from membership in that different system if he or she
- 10 elects, in writing, and files that election in the office of the
- 11 State Teachers' Retirement System within 60 days after
- 12 the person's entry into the new position, to continue as a
- 13 member of the State Teachers' Retirement System.
- 14 (b) A member of the Public Employees' Retirement
- 15 System who is employed by the Board of Governors of the
- 16 California Community Colleges who subsequently is
- 17 employed by a community college district to perform
- 18 creditable service subject to coverage by this plan, may
- 19 elect to have that service subject to coverage by the



1 Public Employees' Retirement System and excluded
2 from coverage by this plan pursuant to Section 20309 of
3 the Government Code.

4 (c) This section shall apply to changes in employment
5 effective on or after January 1, 1998.

6 SEC. 2. Section 22509 of the Education Code is
7 amended to read:

8 22509. (a) Within 10 working days of the date of hire
9 of an employee who has the right to make an election
10 pursuant to Section 22508 or 22508.5, the employer shall
11 inform the employee of the right to make an election and
12 shall make available to the employee written information
13 provided by each retirement system concerning the
14 benefits provided under that retirement system to assist
15 the employee in making an election.

16 (b) Any election made pursuant to subdivision (a) of
17 Section 22508 or subdivision (a) of Section 22508.5 shall be
18 filed with the office of the State Teachers' Retirement
19 System and a copy of the election shall be filed with the
20 other public retirement system. Any election made
21 pursuant to subdivision (b) of Section 22508 or
22 subdivision (b) of Section 22508.5 shall be filed with the
23 office of the Public Employees' Retirement System and
24 a copy of the election shall be filed with the office of this
25 system.

26 (c) Any election made pursuant to Section 22508 or
27 Section 22508.5 shall become effective as of the first day
28 of employment in the position that qualified the
29 employee to make an election.

30 SEC. 3. Section 22801 of the Education Code is
31 amended to read:

32 22801. (a) A member who elects to receive
33 additional service credit as provided in this chapter shall
34 pay, prior to retirement, all contributions with respect to
35 that service at the contribution rate for additional service
36 credit, *adopted by the board as a plan amendment*, in
37 effect at the time of election.

38 (b) If the member is employed to perform creditable
39 service subject to coverage by the plan at the time of the
40 election, the contributions shall be based upon the

1 compensation earnable in the current school year or
2 either of the two immediately preceding school years,
3 whichever is highest.

4 (c) If the member is not employed to perform
5 creditable service subject to coverage by the plan at the
6 time of the election, the contributions shall be based upon
7 the compensation earnable in the last school year of
8 credited service or either of the two immediately
9 preceding school years, whichever is highest.

10 (d) The employer may pay the amount required as
11 employer contributions for additional service credited
12 under paragraphs (2), (6), (7), (8), and (9) of subdivision
13 (a) of Section 22803.

14 (e) The Public Employees' Retirement System shall
15 transfer the actuarial present value of the assets of a
16 person who makes an election pursuant to paragraph
17 (10) of subdivision (a) of Section 22803.

18 (f) Regular interest shall be charged on all
19 contributions from the end of the school year on which
20 the contributions were based to the date of payment.

21 (g) Regular interest shall be charged on the monthly
22 unpaid balance if the member pays in installments.

23 SEC. 4. Section 22803 of the Education Code is
24 amended to read:

25 22803. (a) A member may elect to receive credit for
26 any of the following:

27 (1) Service performed in a teaching position in a
28 publicly supported and administered university or
29 college in this state.

30 (2) Service performed in a certificated teaching
31 position in a child care center operated by a county
32 superintendent of schools or a school district in this state.

33 (3) Service performed in a teaching position in the
34 California School for the Deaf or the California School for
35 the Blind, or in special classes maintained by the public
36 schools of this state for the instruction of the deaf, the hard
37 of hearing, the blind, or the semisighted.

38 (4) Service performed in a certificated teaching
39 position in a federally supported and administered Indian
40 school in this state.

1 (5) Time served, not to exceed two years, in a
2 certificated teaching position in a job corps center
3 administered by the United States government in this
4 state if the member was employed to perform creditable
5 service subject to coverage by the plan within one year
6 prior to entering the service and returned to
7 employment to perform creditable service subject to
8 coverage by the plan within six months following the date
9 of termination of service in the job corps.

10 (6) Time spent on a sabbatical leave after July 1, 1956.

11 (7) Time spent on an approved leave to participate in
12 any program under the federal Mutual Educational and
13 Cultural Exchange Program.

14 (8) Time spent on an approved maternity or paternity
15 leave of two years or less in duration, regardless of
16 whether or not the leave was taken before or after the
17 addition of this subdivision.

18 (9) Time spent on an approved leave, up to four
19 months in any 12-month period, for family care or
20 medical leave purposes, as defined by Section 12945.2 of
21 the Government Code, as it read on the date leave was
22 granted, excluding maternity and paternity leave.

23 (10) Time spent employed by the Board of Governors
24 of the California Community Colleges in a position
25 subject to coverage by the Public Employees' Retirement
26 System between July 1, 1991, and December 31, 1997,
27 provided the member has elected to return to coverage
28 under the State Teachers' Retirement System pursuant to
29 Section 20309 of the Government Code.

30 (b) In no event shall the member receive credit for
31 service or time described in paragraphs (1) to (10),
32 inclusive, of subdivision (a) if the member has received
33 or is eligible to receive credit for the same service or time
34 in the Cash Balance Plan under Part 14 (commencing
35 with Section 26000) or another retirement system.

36 SEC. 5. Section 70905 is added to the Education Code,
37 to read:

38 ~~70905. (a) The Board of Governors of the California~~
39 ~~Community Colleges may enter into an agreement with~~
40 ~~any district or publicly funded organization within the~~

~~1 California Community Colleges for the loan or temporary
2 assignment to the board of governors of a person
3 employed by any district or publicly funded community
4 college organization within the system. The temporary
5 assignment or loan of that employee shall not exceed two
6 years, except that an extension of two years shall be
7 authorized when the board of governors finds it necessary
8 to meet a compelling program or management need. Any
9 temporary loan or assignment shall be made only with the
10 consent of the employee, under the terms and conditions
11 agreeable to the employee.~~

~~12 (b)–~~

13 70905. The board of governors may enter into an
14 agreement within any community college district for the
15 loan or temporary assignment of an employee of the
16 chancellor's office to any district within the system. The
17 temporary assignment or loan of that employee shall not
18 exceed two years, except that an extension of two years
19 shall be authorized when the district and the board of
20 governors find it necessary to meet a compelling program
21 or management need of the district, or a compelling
22 training need for the board of governors. Any temporary
23 loan or assignment shall be made only with the consent
24 of the employee, under the terms and conditions
25 agreeable to the employee.

26 SEC. 6. Section 20309 is added to the Government
27 Code, to read:

28 20309. (a) A member of the Public Employees'
29 Retirement System who is employed by the Board of
30 Governors of the California Community Colleges and
31 who subsequently is employed by a community college
32 district to perform service subject to coverage by the
33 State Teachers' Retirement System, may elect to retain
34 coverage by the Public Employees' Retirement System
35 for that service. An election to retain coverage under the
36 Public Employees' Retirement System shall be submitted
37 in writing by the member to the Public Employees'
38 Retirement System on a form prescribed by the system,
39 and a copy of the election shall be submitted to the State

1 Teachers' Retirement System, within 60 days of the date
2 the member's change in employment is effective.

3 (b) (1) A member who had been a member of the
4 State Teachers' Retirement System and who changed
5 employment and became a member of the Public
6 Employees' Retirement System on or after July 1, 1991,
7 but before January 1, 1998, may elect to return to
8 coverage under the State Teachers' Retirement System
9 if an election to do so is made in writing to each system
10 on or before March 1, 1998. Members who elect to transfer
11 to the State Teachers' Retirement System shall pay, prior
12 to retirement, all contributions with respect to service in
13 the Public Employees' Retirement System at the
14 contribution rate for additional service credit in effect at
15 the time of the transfer to the State Teachers' Retirement
16 System.

17 (2) The Public Employees' Retirement System shall
18 transfer the actuarial present value of the assets of a
19 person who makes an election pursuant to this subdivision
20 to the State Teachers' Retirement System.

21 (3) The Public Employees' Retirement System is not
22 required to identify and notify members who may be
23 eligible for the election allowed by this section.

24 (c) Subdivision (a) shall apply to changes in
25 employment effective on or after January 1, 1998.

